1	BEFORE THE FEDERAL ELECTION COMMISSION
2	
3	In the Matter of)
4)
5	Honorable J. Philip Gingrey
6	Gingrey for Congress and
7	Robert T. Morgan, as treasurer Congress for State Senate and
8	Gingrey for State Senate and
9	Phyllis Gingrey Collins, as treasurer) MUR 5278
10	Honorable Jeff Mullis)
11	Jeff Mullis Victory Account and its treasurer)
12	Honorable Judith H. Manning)
13	Committee to Elect Judy Manning and)
14	Margaret H. Barnett, as treasurer)
15	Russell K. Paul Rusty Paul for State Senate and its treasurer)
16 17	Rusty Faul for State Schate and its treasurer
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19	GENERAL COUNSEL'S REPORT #2
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21	I. ACTIONS RECOMMENDED: Accept the attached conciliation agreement with
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22	J. Philip Gingrey, Gingrey for Congress and Robert T. Morgan, as treasurer, and Gingrey for
23	State Senate and Phyllis Gingrey Collins, as treasurer ("Gingrey Respondents"); take no action
24	with respect to the Gingrey Respondents regarding violations of 2 U.S.C. § 441f; take no action
25	as to Jeff Mullis, Jeff Mullis Victory Account and its treasurer, Judith H. Manning, Committee to
26	Elect Judy Manning and Margaret H. Barnett, as treasurer, Russell K. Paul, Rusty Paul for State
0.7	Senate and its treasurer ("respondent intermediary committees and candidates"), close the file;
27	Senate and its treasurer (respondent intermedially committees and candidates), close the me,
28	and, approve the appropriate letters.
29	II. <u>BACKGROUND</u>
30	On September 23, 2004, the Federal Election Commission ("Commission"):
21	• Found reason to believe that Gingrey for Congress and Robert T. Morgan, as
31 32	treasurer, violated 2 U.S.C. §§ 434(b), 441b, 441d and 11 C.F.R. § 110.3(d), and
32 33	J. Phillip Gingrey, Gingrey for State Senate and Phyllis Gingrey Collins, as
34	treasurer, violated 2 U.S.C. § 441b and 11 C.F R § 110.3(d).
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Found no reason to believe the Gingrey Respondents violated 2 U.S.C. § 441b 1 and 11 C.F.R. § 110.3(d) in connection with the disbursements to Chance Public 2 Relations. 3 4 Decided to take no action at this time with respect to the Gingrey Respondents 5 regarding violations of 2 U.S.C. § 441f and with respect to respondent 6 intermediary committees and candidates. 7 8 Decided to offer to enter into preprobable cause conciliation negotiations with the 9 **Gingrey Respondents** 10 11 In response to the Commission's reason to believe findings and conciliation agreement, 12 the Gingrey Respondents submitted a check in full payment of the civil penalty and a counter-13 proposed conciliation agreement 14 15 16 17 18 19 Therefore, this Office recommends 20 the Commission accept the attached revised conciliation agreement 21 At the First General Counsel's Report stage, the Commission took no action at that time 22 with respect to the Gingrey Respondents regarding violations of 2 U.S C. § 441f and with respect 23

to the respondent intermediary state committees and candidates. See First General Counsel's

Report at 9. In light of the proposed settlement, this Office recommends that the Commission

take no action as to the Gingrey Respondents regarding this violation and take no action as to the

respondent intermediary committees and candidates. These recommended actions dispose of the

MUR 5278 General Counsel's Report #2

- remaining violation and respondents in this matter. Accordingly, this Office also recommends
- that the Commission close the file.

III. <u>RECOMMENDATIONS</u>

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40 Attachments
41 1. Civil pena

- 1. Civil penalty check
- 2. Conciliation Agreement

Collins, as treasurer.

2. Take no action with respect to J. Phillip Gingrey, Gingrey for Congress and Robert T. Morgan, as treasurer, and Gingrey for State Senate and Phyllis Gingrey Collins, as

Congress and Robert T. Morgan, as treasurer, Gingrey for State Senate and Phyllis Gingrey

Accept the attached conciliation agreement with J Philip Gingrey, Gingrey for

- 3. Take no action with respect to Jeff Mullis, Jeff Mullis Victory Account and its treasurer, Judith H. Manning, Committee to Elect Judy Manning and Margaret H. Barnett, as treasurer, Russell K. Paul, and Rusty Paul for State Senate and its treasurer.
 - 4. Close the file.

11/11/07

5. Approve the appropriate letters.

treasurer, regarding violations of 2 U.S.C § 441f.

Lawrence H. Norton General Counsel

BY:

Rhonda J. Vosdingh

Associate General Counsel

for Enforcement

Jonathan A. Bernstein

-Assistant General Counsel

Dominique Dillenseger

Attorney